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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

IAN VINCENT CARINO,

Defendant and Appellant.

H045799

(Santa Clara County
Super. Ct. No. B1790853)

Defendant Ian Vincent Carino pleaded no contest to vandalism, stalking, possession of methamphetamine, possession of paraphernalia, violation of a protective order, attempting to dissuade a witness, and contempt of court. The trial court imposed a total term of two years in state prison.

We appointed counsel to represent Carino in this court. Appointed counsel filed an opening brief stating the case and the facts, but raising no specific issues on appeal. We notified Carino of his right to submit written argument on his own behalf within 30 days. The deadline has passed and we received no response.

We have reviewed the entire record under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). (See also *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*).) We conclude there is no arguable issue on appeal. We will affirm the judgment.

I. FACTUAL AND PROCEDURAL BACKGROUND

A. Procedural Background

The prosecution charged Carino with eight counts: Count 1—vandalism in the amount of \$400 or more (Pen. Code, § 594, subds. (a) & (b)(1))¹; count 2—stalking (§ 646.9, subd. (a)); count 3—possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)); count 4—possession of paraphernalia (Health & Saf. Code, § 11364); count 5—violation of a protective order (§ 273.6, subd. (a)); counts 6 and 7—attempting to dissuade a witness (§ 136.1, subd. (a)); and count 8—contempt of court for violating a protective order (§ 166, subd. (c)(1)).

Carino pleaded no contest to all counts as charged in exchange for a term of two years in prison. In accordance with the plea agreement, the trial court imposed an aggregate term of two years in prison, consisting of two years on count 1 with concurrent two-year terms on counts 2, 6, and 7. On counts 3, 4, 5, and 8, the court imposed 30-day terms concurrent with the two-year term.

After the notice of appeal was filed and counsel was appointed, Carino’s counsel filed an opening brief raising no claims, and we informed Carino of counsel’s position. Carino raised no claims in response, and he did not seek a certificate of probable cause.

B. Facts of the Offenses²

In January 2017, the police responded to a report of vehicle vandalism in progress. The victim told police she had dated Carino for six months, whereupon she ended the relationship. He was calling her multiple times daily and he left messages threatening to damage her car if she did not spend time with him.

On the day of the incident, he called her through Facetime and told her to come out to talk to him or else he would damage her car. After she told him to leave her alone,

¹ Subsequent undesignated statutory references are to the Penal Code.

² The factual narrative is based on the information set forth in the probation report.

she heard a loud bang outside and she ended the call. She requested an emergency protective order.

The police contacted Carino, and he consented to a search. Police found a glass pipe and 0.6 grams of methamphetamine. Carino admitted he had called the victim and hit her car, causing “just a little bit of damage.” The police served him with an emergency protective order, but he then contacted the victim repeatedly, and he left threatening messages for her. He also relayed a message to her through a friend, warning her not to come to court.

II. DISCUSSION

We reviewed the entire record under *Wende, supra*, 25 Cal.3d 436, and *Kelly, supra*, 40 Cal.4th 106. The record shows Carino was adequately advised of his rights and the consequences of his plea. It also demonstrates he freely, knowingly, and intelligently waived his rights and entered his plea. He sought no certificate of probable cause, and the record contains no indication of ineffective assistance of counsel. Finally, no sentencing error appears.

We conclude there is no arguable issue on appeal. Accordingly, we will affirm the judgment.

III. DISPOSITION

The judgment is affirmed.

Greenwood, P.J.

WE CONCUR:

Premo, J.

Elia, J.

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